Sl. No.	Name of the High Court	As on	No. of cases instituted	No. of cases disposed	No. of cases pending
12.	Madhya Pradesh	6/98	41264	35671	88724
13.	Madras	6/98	58118	48104	336633
14.	Orissa	3/98	13848	9457	89288
15.	Patna	6/98	45993	47726	79482
16.	Punjab & Haryana	9/98	99973	102538	168737
17.	Rajasthan	6/98	30228	29435	99209
18.	Sikkim	6/98	663	321	437

SUPREME COURT (for the period 1.1.98 to 31.10.98)

No. of cases Institution	Disposal	Pendency
29932	29158	19806

Proposals for electoral reforms sent by Election Commission

1040. SHRI ANANTRAY DEVSHANKER DAVE: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the details of proposal sent by the Election Commission of Electoral Reforms during the last one year;

(b) whether Government have considered these proposals; and

(c) if so, the action taken on each of them so far?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) to (c) The Election Commission of India vide its letter dated 15th July, 1998 has sent its views on the proposals on electoral reforms which are presently being discussed with political parties. In the letter, some other proposals have also been made. Details of views/proposals of the Election Commission of India are contained in the Statement which is laid on the Table of the House. (*See* below) The Government is neither in favour of vesting rule making authority in the Election Commission of India nor in empowering it to frame disciplinary rules in respect of personnel deployed on election duty. No decision has yet been taken by the Government with regard to other proposals of the Election Commission of India.

Statement

A. Views of the Election Commission on the set of proposals on Electoral Reforms identified by the Government for discussions with political parties.

(i) The Election Commission is not in favour of reducing the age qualification for membership of Parliament and State Legislature.

(ii) The Election Commission favours existing restriction limiting the contest by a candidate to two constituencies of the same class and does not favour restricting it further to only one constituency.

(iii) The Election Commission is not in favour of restoring section 8A of the Representation of the People Act, 1951 to its pre-1975 position. It, however, favours that it be authorised to submit the cases of disqualification under that section to the President, along with its advice.

(iv) The Election Commission favours enhancement of required minimum number of valid votes polled to save security deposit from "one-sixth" to "one-fourth".

(v) The Election Commission favours compulsory maintenance of accounts by political parties and audit thereof by agencies specified by it.

(vi) The Election Commission is not in favour of complete ban on donation by companies to political parties. It is, however, in favour of limiting such contributions to a reasonable level and in transparent transactions in this regard.

(vii) The Election Commission has suggested that it may be authorised to issue necessary orders regulating registration and deregistration of political parties.

(viii) The Election Commission is not in favour of regulating reservation and allotment of election symbols by a Law of Parliament.

(ix) The Election Commission favours rotation of seats reserved for Scheduled Caste and Schedule Tribe candidates. It has also suggested that work of delimitation of the constituencies be assigned to it.

(x) The Election Commission favours the proposal that the expenditure incurred by a political party be included in the election expenses of a candidate for purposes of ceiling on election expenses.

(xi) The Election Commission favours empowering it to fix ceiling on election expenses before every general election.

(xii) The Election Commission is in favour of starting a national debate on change in present electoral system so as to have a broad national consensus on this issue.

(xiii) The Election Commission does not favour the proposal for making voting compulsory.

(xiv) The Election Commission does not favour giving statutory backing to the provisions of Model Code of Conduct.

(xv) The Commission favours the cases of disqualification under Tenth Schedule to the Constitution to be dealt in the like manner as other post—election disqualification cases on grounds mentioned in articles 102(1) and 191(1) of the Constitution are dealt.

(xvi) The Election Commission favours being empowered to countermand an election even otherwise than on a report from the Returning Officer/ Observer.

(xvii) The Election Commission favours the proposal to empower it to issue instructions to any officer in connection with conduct of elections and to make certain recommendations for referring any matter of investigation to any agency. It further favours making such recommendations binding.

(xviii) The Election Commission is in favour of a fixed composition of Election Commission consisting of Chief Election Com-

missioner and two Election Commissioners. It also favours that the method of appointment and the constitutional protection after appointment should ble the same for the Chief Election Commissioner and other Election Commissioners.

(xix) The Election Commission favours an independent secretariat for it.

(xx) The Election Commission is not in favour of the Chief Electoral Officer being exclusively for election work.

B. *The other proposals made by the Election Commission*

1. Strengthening of section 8 of the Representation of the People Act, 1951 by providing that any person convicted of any offence and sentenced to imprisonment for six months or more should be debarred from contesting elections for a period totalling the sentence imposed plus an additional six years. It has further suggested that any person accused of any offence punishable with imprisonment for five years or more should be disqualified after the competent court has framed charges against him.
2. The Election Commission should be empowered to frame disciplinary rules in respect of persons deployed on election duty.
3. Statutory ban on transfer of election officers on the eve of election.
4. Proxy voting for service voters.
5. Appointment of an appellate authority in districts against orders of Electoral Registration Officers.
6. Making Consultation with Election Officers compulsory for police arrangements during elections.
7. Making of false declaration in connection with elections to be an offence.
8. Rule making authority to be vested in Election Commission.

Increase in number of Judges in High Courts and Subordinate Courts

1041. MISS MABEL REBELLO:
MISS SAROJ KHAPARDE:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of cases, both Civil and Criminal, pending in the Supreme Court and High Courts;

(b) the reasons for a large number of pending cases; and

(c) the details of the steps taken by Government to increasse the number of Judges as well as improving the infrastructure in High Courts and Subordinate Courts for timely administration justice?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) A Statement is attached. (*See* below)

(b) The pendency of cases is due to various complex factors including increassed insitution of cases, population explosion, granting of adjournments, radical change in the pattern of litigation, long arguments and lawyers' strike, etc.

(c) Besides increasing the Judges strength from time to time, the Government has taken a series of steps to simplify procedures and speed up disposal of cases on the basis of the advice and recommendations of expert bodies like the Law Commission. Steps are also taken to strengthen the existing infrastructure by providing funds for the construction of court buildings and residential premises for the Judges/Judicial Officers, adopt Lok Adalats and other alternative modes of dispute resolution such as arbitration, mediation and negotiation.